

## Tzhone, Stephen

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**From:** Curt Grisham [grish@me.com]  
**Sent:** Saturday, September 14, 2013 12:46 AM  
**To:** Moran, Gloria; DeLeon, Rafael  
**Cc:** Tzhone, Stephen; Sanchez, Carlos; Gutierrez, Barbara; Leff, Karin; Starfield, Lawrence; McCarthy, Gina; Curry, Ron  
**Subject:** Re: Your concerns about Arkwood, Inc. Site - REPLY

Dear Ms Moran and Mr. DeLeon:

Please allow me to state matters (as I see them) in this manner: **any benefit to the Arkwood team effort that possibly could have been derived** from the attendance and participation of Mrs. Gutierrez (or her replacement from OECA/OSRE) at the meeting of 5 September 2013 **did not accrue** to the Arkwood team effort **as the direct result of the absence of Mrs. Gutierrez or her replacement from OECA/OSRE.**

If Mr. Starfield, Mr. DeLeon, Ms. Leff, Mr. Lammie or Mrs. Gutierrez herself can identify possible contributions of benefit to the Arkwood team effort that could or would have been made by Mrs. Gutierrez or her replacement at the meeting, then **the lack of receipt of those beneficial contributions is tantamount to the detriment** suffered by the Arkwood team as the direct result of the absence under discussion. If this is the case, I wish for those beneficial contributions to be restored or replaced to the Arkwood team effort.

If, on the other hand, the attendance of Mrs. Gutierrez or her replacement would have contributed nothing at all of benefit to the Arkwood team effort, then of course no detriment was incurred. If this is the case, I withdraw all my questions and concerns in the subject matter.

I emphasize however that, if the latter were the case, then it would be both illogical and a waste of taxpayer resources to send any OECA/OSRE counsel to any Arkwood team meeting.

Mr. DeLeon states below: "**EPA Headquarters participates in such discussions, to the extent practicable, in an advisory and support role.**"

I submit that advice and support are important and valuable benefits that could have been supplied to the Arkwood team effort by the participation of Mrs. Gutierrez or her designated replacement at the missed meeting, as Mr. DeLeon's statement quoted above clearly implies.

Mr. DeLeon's quoted statement in fact expresses the very reason Mrs. Gutierrez was assigned by OECA/OSRE to attend the meeting.

Finally, Mrs. Gutierrez evidently missed the meeting under discussion due to highly personal and private medical reasons that were wantonly divulged to me by her supervisor Benjamin Lammie --- over my vociferous objections to Mr. Lammie that I did not wish to hear such personal and private information --- after Mr. Lammie called me at 2:28 PM Central Time on 11 September 2013 to return the call I had made to Mr. DeLeon regarding the matter.

I immediately thereafter telephoned Karen Leff to express my outrage over Mr. Lammie's breach of Mrs. Gutierrez' privacy in his effort to explain the absence.

Even if Mrs. Gutierrez had given Mr. Lammie prior consent to divulge details of her medical information to me as he did, I object to being burdened with such information. I had merely sought to confirm officially whether or not Mrs. Gutierrez had actually taken a sick day on 5 September 2013, because I was told when I came to the meeting on that date that she had "called in sick."

Sincerely,

Charles Curtis Grisham, Junior

On Sep 13, 2013, at 15:26, "Moran, Gloria" <[Moran.Gloria-Small@epa.gov](mailto:Moran.Gloria-Small@epa.gov)> wrote:

**Hello Mr. Grisham:**

**The Region will continue to work closely with you concerning your concerns. To assist us in coordinating our comments for you to the email below from Mr. Rafael Deleon, Acting Director, Office of Enforcement and Compliance Assurance (OECA), EPA, HQ would you please reply to this email with a cc to Stephen Tzhone and Carlos Sanchez with any specific comments/concerns that you believe caused a *"detriment to the meeting purpose caused by the absence of Mrs. Gutierrez,"* an attorney in OECA at EPA HQ.**

Thank you,

*Gloria Moran*

Assistant Regional Counsel (6RC-S)

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U.S. Environmental Protection Agency, Region 6

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214-665-3193 (phone)

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[moran.gloria-small@epa.gov](mailto:moran.gloria-small@epa.gov)

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**From:** Curt Grisham [<mailto:grish@me.com>]

**Sent:** Friday, September 13, 2013 2:26 PM

**To:** Moran, Gloria; Tzhone, Stephen; Sanchez, Carlos

**Subject:** Fwd: Your concerns about Arkwood, Inc. Site

Dear Gloria, Steve and Carlos:

I forward this email to you for your information. Can you add anything to my concerns already expressed about the unexpected absence of headquarters OSRE counsel? Please reply if any of you have comments on Mr. Deleon's note below or his questions to me regarding the detriment to the meeting purpose caused by the absence of Mrs. Gutierrez

Begin forwarded message:

**From:** "DeLeon, Rafael" <[Deleon.Rafael@epa.gov](mailto:Deleon.Rafael@epa.gov)>  
**Date:** September 13, 2013, 14:01:19 CDT  
**To:** "[grish@me.com](mailto:grish@me.com)" <[grish@me.com](mailto:grish@me.com)>  
**Cc:** "Gutierrez, Barbara" <[Gutierrez.Barbara@epa.gov](mailto:Gutierrez.Barbara@epa.gov)>  
**Subject:** Your concerns about Arkwood, Inc. Site

Dear Mr. Grisham:

I understand that you called Larry Starfield's office this morning to express concerns regarding the Arkwood, Inc., site in Boone County, Arkansas. I briefed Mr. Starfield on this matter and he asked me to contact you. He understood that you have already spoken with several senior managers here in the Headquarters Office of Enforcement and Compliance Assurance (OECA)— myself, Ms. Leff, and Mr. Lammie — as well as EPA Region 6 managers. As I shared with you, we would like to better understand your concerns and try to address them.

I understand that your concerns stem from a meeting hosted by the EPA Region 6 Office in Dallas, Texas, on Thursday September 5<sup>th</sup> from 2:00-4:00 pm, and that you traveled from California to attend that meeting in person. At least 8 EPA Region 6 employees participated in this meeting in person, as well as 2 EPA Headquarters staff by phone. You had been informed that Mrs. Barbara Gutierrez from my Office would also be participating (by telephone) in that meeting, but unfortunately, Mrs. Gutierrez was unexpectedly unable to do so; I apologize that she was unavailable. However, EPA Region 6 is the lead office for this matter, and the key EPA Region 6 personnel were present. EPA Headquarters participates in such discussions, to the extent practicable, in an advisory and support role.

In light of your continued concern about Mrs. Gutierrez's absence from the meeting, Mr. Starfield has asked me and my staff to work with you to identify a path forward. A good first step would be to set up a phone call so that Mrs. Gutierrez and others here at EPA Headquarters can understand your specific concerns, and directly hear any new information that you raised at the September 5<sup>th</sup> meeting. I am copying Mrs. Gutierrez on this email so that you can contact her directly should you choose to set up such a discussion. We would be interested in hearing how Mrs. Gutierrez's absence affected talks in this case, and how we at Headquarters might be helpful moving forward.

If you have further questions, please contact me at 202-564-5110. Thank you.

Rafael DeLeon, Esq.  
Acting Director  
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Office of Site Remediation Enforcement (Mail Code-2271A)  
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